

REMARKS

Claims 1 – 16 remain in the application and stand rejected. Claims 9 and 16 are amended herein. No new matter has been added. Although this Amendment is being timely filed, the Commissioner is hereby authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

Claims 9 and 16 are amended for clarity. Specifically claim 9 is amended to recite that the remote telephones are “simultaneously controlled by said remotely connected web enabled devices.” No reference of record teaches or suggests web enabled devices acting as digital telephones and providing simultaneous control to remote telephones. Claim 16 is amended to recite that “calls to said remote telephone being controlled by said web enabled device in real time.” No reference of record teaches or suggests web enabled devices acting as digital telephones and providing real time control to remote telephones. The amendment to claims 9 and 16 is supported by the written description as filed and, specifically, page 4, lines 13 – 29. No new matter has been added.

Claims 1 – 5, 15 and 16 are rejected as being unpatentable under 35 U.S.C. §102(b) over U.S. Patent No. 6,020,915 to Bruno et al. Claims 1 and 6 are rejected as being unpatentable under 35 U.S.C. §102(b) over U.S. Patent No. 5,619,555 to Fenton et al. Claims 9 – 11 are rejected under 35 U.S.C. §103(a) over Bruno et al. alone. Claims 7, 8, 13 and 14 are rejected under 35 U.S.C. §103(a) over Bruno et al. in view of published U.S. Patent Application No. 2001/0026609 to Weinstein et al. Claims 9 and 12 are rejected under 35 U.S.C. §103(a) over Fenton et al. in view of Bruno et al. The rejection is respectfully traversed.

It is asserted that, essentially, Bruno et al. Figure 1 shows the invention as recited in claim 1 in elements 118 – 120, 130, 135, 136 and 138 and as described in column 4, lines 47 – 61 and column 5, lines 17 – 23 and 50 – 59. Similarly, although not taught, it is asserted that claims 9 – 11 are suggested by Bruno et al., alone. Specifically, it is asserted with respect to

claims 9 – 11 that Bruno et al. teaches everything but a plurality of “remotely connected enabled devices.”

Bruno et al. teaches a telecommunications network with multimedia terminals 101, 102, 103 and 104. Col. 3, lines 46 – 47. The Bruno et al. telecommunications network also includes a multimedia platform 135 that “enables a user at an analog voice-only endpoint ... to communicate with and interact with these multimedia terminals on a video teleconference in a pseudo multimedia mode.” Col. 4, lines 47 – 61. Specifically, “user at telephone station 136 with only POTS service, and who also has a conventional data transmitter/receiver, such as a facsimile machine or a modem-connected PC terminal, is able to participate, albeit **in a reduced fashion**, in a pseudo multimedia manner with one or more of the multimedia endpoints in a videoconference arrangement or in a one-to-one connection.” Col. 5, lines 17-24 (emphasis added). Bruno et al. describes sharing documents between multimedia terminals 101, 102, 103 and 104 and the facsimile machine 137 or modem-connected PC terminal 138 in a conference call. Col. 5, line 41 – col. 6, line 64. Specifically, “a document in the form of a data signal from one of the multimedia terminals to be shared with the voice-only user at telephone 136 is outputted by MCU 124 over LAN 145 to server 146 where it is stored” col. 5, lines 45 – 49; and, “if the voice-only user at telephone set 136 intends to share a document with the users at the multimedia terminals in the videoconference, facsimile machine 137 or PC terminal 138 establishes a telephonic connection” for the facsimile machine 137 or PC terminal 138 and the data is transferred and stored on the server. *Id.*, lines 59 – 66. Bruno et al. is silent, however, regarding any kind of control being provided by the either of the facsimile machine 137 or modem-connected PC terminal 138. In fact Bruno et al. teaches some embodiments where connection by the analog phone 136, facsimile machine 137 and modem-connected PC terminal 138 are mutually exclusive. *See, e.g.*, col. 7, line 62 – col. 8, line 3.

As recited by claim 1, the remotely connected device acts “as a locally connected digital telephone; and ..., telephonic communications [are] provided to and from said remote telephone in cooperation with said communications server and **controlled** by said remotely connected device.” Claim 9 recites similar language. As described in the application, “[o]nce connected and logged in, the client application is treated as any other locally connected (i.e., connected

directly to the LAN) digital phone. Simultaneously, the remote user communicates telephonically with another device connected to the PSTN, e.g., a land line phone 116 or cell phone 120.” Page 4, lines 4 – 8. The applicants could find nothing in Bruno et al. to even suggest a client application or anything else, that would cause either the Bruno et al. facsimile machine 137 or modem-connected PC terminal 138 to act “as a locally connected digital telephone” as claim 1 recites. Furthermore, the present application teaches that the “resulting hybrid connection that includes the TAPI internet connection in combination with a low data rate device, appears to the rest of the system as just another locally connected digital telephone. Thus, all PBX system features are available to the user using this hybrid connection.” Id, lines 8 – 11. Clearly, since a Bruno et al. user who “has a conventional data transmitter/receiver, such as a facsimile machine or a modem-connected PC terminal, is [only] able to participate, albeit **in a reduced fashion**,” Bruno et al. fails to teach the present invention, and clearly does not anticipate the present invention as recited in claim 1. Reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) over Bruno et al. is respectfully requested.

Regardless of whether it would be obvious to include multiple remotely connected ones of the Bruno et al. facsimile machine 137 and/or modem-connected PC terminal 138, the result would still not be the present invention as recited in claim 9. Therefore, Bruno et al. fails to suggest the present invention, and clearly does not make the present invention, as recited in claim 9, obvious under 35 U.S.C. §103(a). Reconsideration and withdrawal of the rejection of claim 9 under 35 U.S.C. §103(a) over Bruno et al. is respectfully requested.

Furthermore, since dependent claims include all of the differences with the prior art as the claims from which they depend, Bruno et al. does not teach or suggest the present invention as recited in claims 2 – 5, which depend from claim 1, or recited in claims 10 or 11, which depend from claim 9. Neither does Weinstein et al. add anything that was missing from Bruno et al. to result in the present invention as recited in claims 1 or 9; much less claims 7, 8, 13 or 14, which depend from claims 1 and 9. Therefore, the present invention as recited in claims 1 – 5, 7 – 11, 13 and 14 are not anticipated nor made obvious by Bruno et al., alone or further in combination with Weinstein et al. Reconsideration and withdrawal of the rejection of claims 1 –

5, 7 – 11, 13 and 14 under 35 U.S.C. §§102(b) and 103(a) over Bruno et al., alone or further in combination with Weinstein et al., is respectfully requested.

Regarding claim 15, is asserted that Bruno et al. Figure 1 and corresponding description teaches the invention, essentially, as described for claim 15. The Office action makes specific reference to column 5, lines 50 – 63 for the step (b) of initiating calls at the communications server from and to a remote telephone in the vicinity of said remotely located web enabled device, said remotely located **web enabled device initiating and controlling** said calls. However, as noted hereinabove, Bruno et al. specifically teaches the user participating (“albeit in a **reduced fashion**”) with the facsimile machine 137 and modem-connected PC terminal 138 sending and receiving documents. There is no control here or anywhere else in Bruno et al. that the applicants could find. Accordingly, Bruno et al. fails to teach, and clearly does not anticipate, the present invention as recited in claim 15.

Furthermore, since dependent claims include all of the differences with the prior art as the claims from which they depend, Bruno et al. does not teach or suggest the present invention as recited in claim 16, which depends from claim 15. Reconsideration and withdrawal of the rejection of claims 15 and 16 under 35 U.S.C. §102(b) over Bruno et al. is respectfully requested.

It is also asserted that Fenton et al. Figure 1 teaches the invention as recited in claim 1. Although no specifics are provided as to how claim 1 is being read on Fenton et al., reference is made to col. 5, lines 25 – 47 as describing “a system with a remote computer connected to a central server. The remote computer controls a remote telephone, located in its vicinity through the central server.” Similarly, although not taught, it is asserted that claims 9 and 12 are suggested by Fenton et al. in combination with Bruno et al. Specifically, Bruno et al. is cited to teach a web server connected to a communications server and the Internet.

Fenton et al. teaches “an audio conferencing system 10 having a central server 12 connected through a LAN 14 to a pair of remote computers or workstations 16 and 18 and through a telephone network 20 to a pair of remote telephone sets 22 and 24. The telephone sets are **not** directly associated with the remote computers.” Col. 4, lines 52-57 (emphasis added).

Thus, since they are not associated, the remote computers or workstations 16 and 18 do not control the remote telephone sets 22 and 24. Instead, a

Central server 12 includes components for initiating, **controlling** and terminating audio conferences. More specifically, central server 12 includes a **system controller 26** which receives audio conference information and **commands** from end users through the remote computers and **controls** an audio conferencing subsystem 28 to initiate audio conferences. The audio conferences are actually conducted between end users speaking through their respective telephone sets, such as telephone sets 22 and 24.

Col. 5, lines 4 – 12 (emphasis added). Finally, “[e]ach remote computer runs a GUI program which allows a user operating the remote computer to control the central server to provide information regarding audio conferences and to control other audio conference functions.” *Id.*, lines 25 – 28. The remote terminal can be used to join a conference call from the GUI and the system determines whether to connect an identified phone to the conference. *Id.*, lines 28 – 46.

Fenton et al. does not teach, however, a remotely connected device that acts “as a locally connected digital telephone; [with] telephonic communications provided to and from said remote telephone in cooperation with said communications server and controlled by said remotely connected device.” Claim 1. Certainly, a GUI that allows joining a conference call is not acting as a digital telephone. Even with the Fenton et al. GUI, the Fenton et al. remote computer is not treated as any other locally connected (i.e., connected directly to the LAN) digital phone. Neither is providing system controls to control a conference call “controlled by said remotely connected device.” Claim 1. Therefore, Fenton et al. does not teach the present as recited in claim 1.

Furthermore, since dependent claims include all of the differences with the prior art as the claims from which they depend, Fenton et al. does not teach or suggest the present invention as recited in claim 6, which depends from claim 1. Moreover, as set forth hereinabove, there is nothing in Bruno et al. to add what is missing from Fenton et al.; or in Fenton et al. to add what is missing from Bruno et al. to result in the present invention as recited either of claims 9 or 12. Reconsideration and withdrawal of the rejection of claims 1, 6, 9 and 12 under 35 U.S.C. §§102(b) and 103(a) over Fenton et al., alone or further in combination with Bruno et al., is respectfully requested.

The applicants have considered the other references cited but not relied upon and find them no more relevant than the references upon which the rejection is based.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance for the reasons set forth above, the applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1 – 16 under 35 U.S.C. §§102(b) and 103(a) and allow the application to issue.

The applicants note that MPEP §706 “Rejection of Claims,” subsection III, “PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED” provides in pertinent part that

If **the examiner** is satisfied after the search has been completed that patentable subject matter has been **disclosed** and the record indicates that the applicant intends to claim such subject matter, he or she **may note** in the Office action that **certain aspects or features** of the patentable invention have not been claimed and that if properly claimed such claims **may be given favorable consideration**.

(emphasis added). The applicants believe that the written description of the present application is quite different than, and not suggested by, any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

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(Date)

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